

Notice of Allowability

Application No.

09/594,331

Examiner

Elizabeth Quan

Applicant(s)

MATTILA ET AL.

Art Unit

1743

20

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to telecommunication held 2/24/2004.
2. ☒ The allowed claim(s) is/are 1-6,9,10,12 and 13.
3. ☒ The drawings filed on 24 February 2004 are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).
 - * Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|---|--|
| 1. <input type="checkbox"/> Notice of References Cited (PTO-892) | 5. <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 6. <input checked="" type="checkbox"/> Interview Summary (PTO-413),
Paper No./Mail Date <u>02242004</u> . |
| 3. <input type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date _____ | 7. <input checked="" type="checkbox"/> Examiner's Amendment/Comment |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit
of Biological Material | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance |
| | 9. <input type="checkbox"/> Other _____ |

Art Unit: 1743

EXAMINER'S AMENDMENT

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Olga Berson on 2/24/2004.

The application has been amended as follows:

Art Unit: 1743

9. (Currently amended) A transporting and storing system used in conjunction with an immunodiagnostic instrument, comprising:

- a. a multiplicity of reagent packs, each pack having a body with two generally opposite outer sides, wherein each outer side has at least one hole with tapered conical opening;

a gantry movably mounted on a rack structure for carrying a gripper mechanism, the gripper mechanism having a pair of oppositely disposed gripping jaws moving synchronically toward or away from each other, each gripping jaw having an inner side with at least one conical pin, which extends toward the opposite gripping jaw, wherein each of said conical pins is complementary to said at least one hole and wherein a movement of gripping jaws toward each other causes the conical pins to engage the holes for engagement with the two outer sides of said reagent pack,
wherein an engagement of said complementary holes by conical pins retain said reagent pack without assistance of additional mechanical structures during transport of the reagent pack;

- b. a power assembly for actuating the respective movement of said gantry, said gripper mechanism and said gripping jaws;
- c. a storage nest having a multiplicity of compartments aligned in vertical columns and horizontal rows, each compartment adapted for storing a respective one of said reagent packs;

Art Unit: 1743

- d. a pipetting nest having a multiplicity of compartments aligned in at least one horizontal row, each compartment adapted for retaining a respective one of said reagent packs for simultaneous pipetting;
- e. at least one transport route for allowing movement of said gripper mechanism carried by said gantry for transporting said reagent packs between said storage nest and said pipetting nest;
- ~~g. means for positioning and positively retaining said reagent pack by said gripper mechanism, including complementary features on said reagent pack and said gripping jaws, for causing said reagent pack to be slightly lifted up when engaged by said gripping jaws and moved in or out of said storage compartment; and~~
- (h.) g. means for maintaining precise pipetting position of said reagent pack.

14. (Canceled)

2. This application is in condition for allowance except for the presence of claims 7, 8, and 16-21 to an invention non-elected without traverse. Accordingly, claims 7, 8, and 16-21 have been cancelled.

3. The following is an examiner's statement of reasons for allowance: The prior art of record does not fairly teach or suggest the claimed invention with the combination of limitations, including each of the multiplicity of reagent packs with at least one hole on each of the two opposite outer sides for engagement with each of the at least one conical pin on the inner side of each gripping jaw of the gripping mechanism, as communicated in previous Office Actions. For example, see Office Action mailed 2/26/2003.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue

Art Unit: 1743

fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Elizabeth Quan whose telephone number is (571) 272-1261. The examiner can normally be reached on M-F (8:00-4:30).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jill Warden can be reached on (571) 272-1267. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Elizabeth Quan
Examiner
Art Unit 1743

eq


Jill Warden
Supervisory Patent Examiner
Technology Center 1700